

U.S. Patent Application Serial No. **10/646,818**
Amendment filed October 24, 2005
Reply to OA dated June 24, 2005

REMARKS:

Claims 1-9 are currently pending. Claims 1-5 are currently being considered, of which claims 1 and 2 have been amended. Claims 6-9 have been withdrawn from consideration.

Applicants and Applicants' attorney thank Examiner Heinrich for the interview courteously granted October 6, 2005. The special attention the Examiner paid to the instant application is noted with appreciation. Items discussed during the Interview include: USP 6,640,604 (**Matsushita '604**); the Office Action dated June 24, 2005; and claims 1-5.

Claims 1 and 2 stand rejected under 35 USC 102(a) as anticipated by USP 6,640,604 (**Matsushita '604**).

Applicants respectfully traverse this rejection of claims 1 and 2.

Matsushita '604 fails to describe, teach, or suggest the following features of claims 1 and 2, as amended. "wherein the laser beam is a combined shape of characters", in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection of claims 1 and 2 should be withdrawn.

Claims 3-5 stand rejected under 35 USC 103(a) as obvious over **Matsushita '604**.

Applicants respectfully traverse this rejection of claims 3-5.

The Examiner has acknowledged that **Matsushita '604** does not use the same language as the language set forth in Applicants' claims 3-5 (See p. 3 of the Office Action). But the differences between claims 3-5 and **Matsushita '604** are not limited to just language differences.

Matsushita '604 fails to describe, teach, or suggest the following features set forth in claim 3: "selecting an irradiation shape combination corresponding to either one of or both the load adjustment amount and the angle adjustment amount", in combination with the other claimed features.

Matsushita '604 does not describe, teach, or suggest "selecting an irradiation shape combination" (claim 3).

Matsushita '604 fails to describe, teach, or suggest the following features set forth in claim 4: "an XY axis is set around the head mounting portion, an area I to an area IV are formed on the XY coordinates with the X axis as a gimbal longitudinal direction, and the laser beam irradiation

area for correcting the angle in plus or the laser beam irradiation area for correcting the angle in minus is set in the area I and the area III or the area II and the area IV respectively”, in combination with the other claimed features.

Matsushita ‘604 does not describe, teach, or suggest “XY axis is set around the head mounting portion, ...the laser beam irradiation area for correcting the angle in plus or ... in minus is set in the area I and the area III or the area II and the area IV respectively” in combination with the other claimed features (claim 4).

Matsushita ‘604 fails to describe, teach, or suggest the following features set forth in claim 5: “a boundary is provided in a direction orthogonal with a gimbal longitudinal direction around the spring, a first area is formed at the head mounting side, a second area is formed at the opposite side, the laser beam irradiation area for correcting the pitch angle in plus is set in the first area, and the laser beam irradiation area for correcting the pitch angle in minus is set in the second area”, in combination with the other claimed features.

Matsushita ‘604 does not describe, teach, or suggest the boundary provided in a direction orthogonal with a gimbal longitudinal direction around the spring, first area, second area, area for correcting the pitch angle in plus, and area for correcting the pitch angle in minus, in combination

with the other claimed features (claim 5).

The differences between **Matsushita '604** and claims 3-5 are significant. The Examiner appears to be misapplying **Matsushita '604**.

Additionally, it is respectfully submitted that the rejection under 35 USC 103(a) is improper and should be withdrawn because of the following: the Examiner has relied on what would have been obvious at the time applicants' invention was made to a person having ordinary skill in the art (Office Action, page 3), but the Examiner has not yet provided evidence of findings regarding what would have been obvious to a person having ordinary skill in the art. The Examiner has not provided evidence of findings regarding a level of ordinary skill in the pertinent art.

Also, it is respectfully submitted that the rejection under 35 USC 103(a) is improper and should be withdrawn because of the following: the Examiner has not yet made adequate specific factual findings with respect to any possible suggestion to modify **Matsushita '604** to arrive at the claimed inventions.

It is respectfully submitted that the rejection under 35 USC 103(a) is improper and should be withdrawn because of the following: it would not have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the teachings of **Matsushita '604** to

U.S. Patent Application Serial No. **10/646,818**
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arrive at the claimed inventions.

Thus, Applicants respectfully submit that this rejection of claim 3-5 should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, all claims currently being examined are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time